Remarks

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 11, 18, 29, 34, and 36 have been amended. No claims have been cancelled or added. Therefore, claims 1-22 and 26-38 are presented for examination.

Previous Examiner's Amendments

Upon review of the Examiner's amendments made with the Notice of Allowance mailed 11/17/2004 and with the correspondence mailed 7/05/2005, applicant noticed that the Examiner made purported amendments to a claim 12. However, applicant believes this was error and the amendments to claim 12 were meant for claim 34. Applicant has reflected this Examiner's amendment to claim 34 instead of claim 12 in hopes this was the intended purpose of the Examiner's amendment.

35 U.S.C. §103(a) Rejection

Claims 1-6, 8, 11-22, 26, 27, 29-32, 34 and 36-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. (U.S. Pub. No. 2003/0046421) and Avitan (U.S. Pub. No. 2003/00178546). Applicant submits that the present claims are patentable over Horvitz in view of Avitan.

Horvitz discloses a system that provides controls and displays for acquiring user preferences, inspecting behavior, and guiding learning and decision policies of an adaptive communications prioritization and routing system. (Horvitz at paragraph [0007].) More specifically, the system enables a plurality of information associated with electronic messages to be automatically prioritized by a message urgency system for transmittal to a user or system. The message urgency system can employ classifiers that can be explicitly and/or

implicitly trained to prioritize or triage one or more received messages according to a learned importance to the user. (Horvitz at Abstract.)

Avitan discloses a dialer apparatus that receives a telephone number from a wireless mobile computing device and dials the telephone number over a wire landline telephone system. The dialer apparatus includes a wireless transceiver circuit capable of communicating data with the wireless mobile computing device, for receiving and storing telephone dialing data from the wireless mobile computing device representative of a telephone number to be dialed over the landline telephone system. Off-hook circuitry is connected to the landline telephone system and is responsive to an off-hook command signal, for generating an off-hook signal to the landline telephone system. (Avitan at Abstract.)

Claim 1, as amended, recites:

A method, comprising:
providing a digital assistant having an event detector and an agent selector;
receiving information of an event;
determining a level of importance of the event relative to a first person;
providing the digital assistant with access to a communications service provider such that the agent selector is able to attempt to contact at least one person;
if the level of importance of the event is determined by the digital assistant to be greater than or equal to a first predetermined threshold, and if the level of importance of the event is determined by the digital assistant to be below or equal to a second predetermined threshold, then selecting one person to contact and attempting to contact the one person; and
if the level of importance of the event is determined by the digital assistant to be greater than or equal to the second predetermined threshold, then selecting a plurality of persons to contact and attempting to contact the plurality of persons;
wherein the agent selector selects the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant.

Applicant submits that Horvitz does not disclose or suggest an agent selector of a digital assistant selecting and attempting to contact people based on predetermined thresholds,

wherein the agent selector selects the people to contact based on at least one of profile information and rules provided by a user of the digital assistant, as recited by claim 1. In fact, the Final Office Action states that "Horvitz does not explicitly disclose its' system includes a feature of selecting a person or a group of person[s] to contact and attempting to contact the same". (Final Office Action mailed 12/22/05 at pg. 4.) If Horvitz does not disclose selecting and attempting to contact people, then it certainly does not disclose or suggest selecting the people to contact based on at least one of profile information and rules provided by a user of the digital assistant.

Nor does Avitan disclose or suggest such a feature. Although Avitan discloses a dialer device that receives a telephone number from a wireless mobile computing device, such as a PDA, and automatically dials the telephone number over a wire landline telephone system, it does not disclose or suggest that this dialing device or the computing device it is connected to selecting people to contact based on at least one of profile information and rules provided by a user of a digital assistant. Applicant can find no disclosure or suggestion of such a feature anywhere in Avitan.

As neither Horvitz nor Avitan individually disclose or suggest an agent selector of a digital assistant selecting and attempting to contact people based on predetermined thresholds, wherein the agent selector selects the people to contact based on at least one of profile information and rules provided by a user of the digital assistant, any combination of Horvtiz and Avitan also do not disclose or suggest such a feature. Therefore, claim 1, as well as its dependent claims, is patentable over Horvitz in view of Avitan.

Independent claims 11, 18, 29, 34, and 36, also recite, in part, an agent selector of a digital assistant selecting and attempting to contact people based on predetermined thresholds,

wherein the agent selector selects the people to contact based on at least one of profile

information and rules provided by a user of the digital assistant. As discussed above, Horvtiz

in view of Avitan does not disclose or suggest such a feature. Therefore, claims 11, 18, 29,

34, and 36, as well as their respective dependent claims, are patentable over Horvitz in view

of Avitan.

Claims 7, 9, 10, 28, 33, and 35 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over Horvitz and Avitan, as applied to claims 1, 18, 29, and 34, and further in

view of what was well known in the art. Regarding claims, 7, 9, 10, 28, 33, and 35, these

claims variously depend from independent claims 1, 18, 29, and 34. Applicant has previously

asserted claims 1, 18, 29, and 34 are patentably distinguished over Horvitz in view of Avitan.

What is well known in the art does not remedy the defects of Horvitz in view of Avitan in

light of claims 1, 18, 29, and 34. Therefore, claims 7, 9, 10, 28, 33, and 35 are patentable

over Horvitz and Avitan, even in view of what is well known in the art.

Applicant respectfully submits that the rejections have been overcome and that the

claims are in condition for allowance. Accordingly, applicant respectfully requests the

rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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